

REMARKS

The above amendment with the following remarks is submitted to be fully responsive to the Official Action of March 17, 2005. Reconsideration of this application in light of the amendment and the allowance of this application are respectfully requested.

Claims 1-26 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite. In response, Applicant's representative has reviewed the claims and is hereby submitting amendments to the claims which are believed to correct many of the deficiencies noted by the Examiner and other deficiencies noted during the review, with several exceptions. With respect to claim 19, the Examiner notes that there appears to be no two sided adhesive carrier set forth and in line b) the phrase "to an adhesive layer" is not understood. However, the Examiner's objection to this language is not understood and clarification is respectfully requested. Applicant's representative believes that the phrase "to an adhesive layer" is clear and correct. In addition, the Examiner contends that claim 6 is a de facto duplicate of claim 1. The Examiner states that the last line of claim 1 describes what is known in the art as a primary adhesive layer. Applicant's representative respectfully disagrees. Claim 1 merely describes an adhesive layer, of which there are many different types. Claim 6 then narrows the definition of the adhesive layer by describing a particular type of adhesive layer known as a primer adhesive layer. Not all adhesive layers as recited in claim 1 are primer adhesive layers. Therefore, claim 6 is not a duplicate of claim 1 and withdrawal of this rejection is respectfully requested. Likewise, Applicant's representative asserts that claims 8 and 22 are definite in the use of the term "enamel" as the original specification teaches that the adhesive layer may be an enamel, a substance known by a person of ordinary skill in the art. Therefore, it is respectfully requested this rejection likewise be withdrawn. With respect to claim 11, the claim does not suggest that corona discharge forms an adhesive layer but merely states that the adhesive layer is formed by a surface of the carrier element which has been subject

to a corona treatment. It is believed that the present language is clear and definite. Lastly, in claim 20, the use of the language "at least one of temperature, pressure and moisture" is common claim terminology which has been used by the Patent Office and practitioners for many years to indicate one or more of several properties or items, without using the term "or". Although the Examiner may feel that such language may be "improper grammar", the language used in patent specifications and, in particular patent claims, is often not in conformance with proper grammar but is frequently accepted as long as it is definite. Applicant's representative contends that the objected to clause is clear and definite and therefore satisfies 35 U.S.C. §112, second paragraph. Thus, it is believed this rejection under 35 U.S.C. §112, second paragraph, has been overcome and, therefore, withdrawal of this rejection is respectfully requested.

Claims 19-26 stand rejected under 35 U.S.C. §112, first paragraph, because the specification, in the Examiner's opinion, does not reasonably provide enablement for the method of claims 19-26. In response, the specification has been amended to insert the language of claims 19-26 into the specification without adding any new matter. Thus, it is respectfully requested that this objection has been overcome.

Claims 12, 13 and 17 stand rejected under 35 U.S.C. §102(b) as being anticipated by DE 19952399, for which U.S. Patent No. 6,485,030 to Hahn et al. is relied upon by the Examiner. Also, claims 1-11, 14-16 and 18-26 stand rejected under 35 U.S.C. §103(a) as being unpatentable over DE '399 as set forth in the Hahn et al. patent. In response, independent claim 12 has been amended to clarify the present invention. As a result, independent claims 1, 12, 19 and 20 are believed to be neither anticipated nor render obvious by the prior art of record for the following reasons.

Hahn et al. fails to anticipate or render obvious the present invention as recited in independent claims 1, 12, 19 and 20 for the following reasons. Each of independent claims 1 and 12 recite an adhesive layer between the first self-sticking adhesive surface and the carrier element. Independent claim 19 requires the

application of a silicon cement of a first adhesive surface to an adhesive layer of a carrier element, while independent claim 20 requires the step of applying an adhesive layer to a second side of the carrier element and applying silicon cement to the adhesive layer to form an adhesive surface. Hahn et al. fails to suggest an adhesive layer between the first self-sticking adhesive surface and the carrier element. In fact, Hahn et al. does not appear to suggest any intermediate layer. The Examiner nowhere suggests prior art disclosing the adhesive layer but merely states that the adhesive layer is believed to be well known in the sealing and adhesive art. It is Applicant's contention that such an adhesive layer is not well known and is certainly not well known as applied to an adhesive tape for attachment of a sealing element made of silicone material to an application site which includes a carrier element and first and second self-sticking adhesive surfaces, one on each side of the carrier element. If such an adhesive layer as recited in independent claims 1, 12, 19 and 20 is so well known in the prior art, then Applicant's representative requests the Examiner to supply a prior art reference showing or at least suggesting such a layer. By using the claimed adhesive layer of the present invention and a cross linking or completely vulcanizing silicone cement, Applicant has unexpectedly determined that it is possible to produce a positive (adhesive bond) and nonpositive (frictional) connection between the sealing body and the adhesive tape as well as the application site, which does not have soft-elastic properties and which likewise does not require any additional setting times thereby enabling a simple, quick and reliable attachment of an adhesive tape to the opposing silicone surface. Hahn et al. fails to suggest the claimed adhesive layer of independent claims 1, 12, 19 and 20 and also fails to suggest the unexpected advantages recited in the original specification. Therefore, it is respectfully requested that independent claims 1, 12, 19 and 20 are neither anticipated nor rendered obvious by Hahn et al.

Thus, reconsideration and withdrawal of the prior art rejections of independent claims 1, 12, 19 and 20 based on Hahn et al. are in order and respectfully requested. Likewise, it is respectfully requested that dependent claims

2-11, 13-18 and 21-26 are likewise allowable in that they depend from what are believed to be the respective allowable independent claims.

In view of the foregoing, it is submitted that the present application is in condition for allowance and a notice to that effect is respectfully requested. However, if the Examiner deems that any issue remains after considering this response, he is invited to call the undersigned to expedite the prosecution and work out any such issue by telephone.

Respectfully submitted,



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